GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:369
ANSWERED ON:03.02.2017
Criminalization of Marital Rape
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Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

(a) the details of complaints received/ reported in regard to marital rape and rape/ sexual harrassment of women by their relatives during each of the last three years and the current year, State/UT-wise;
(b) whether the Government proposes to make criminalization of marital rape and if so, the details thereof;
(c) whether any consultations have been held with the stakeholders and States/UTs in this regard, if so, the details and the outcome thereof;
(d) whether the Law Commission has also studied the issue, if so, the details thereof and the recommendations made by it; and
(e) the present status in regard to criminalization of marital rape?

Answer

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI KRISHANA RAJ)

(a) As per National Crime Records Bureau (NCRB), details of cases registered under rape (section 376 IPC) in which offenders were Relatives of the victims during 2013-2015 and cases registered under rape (section 376 IPC) in which Offenders were Live in Partner or Separated Husband during 2015 is at Annexure-I

(b) to (e) Ministry of Home Affairs has informed that the Law Commission of India, while making its 172nd Report on "Review of Rape Laws" in March, 2000 did not recommend criminalization of marital rape. However, the Justice J.S Verma Committee, while giving its Report on "Amendments to Criminal Laws" in January 2013, recommended that law ought to be amended to delete the marital rape exception. The Department − Related Parliamentary Standing Committee on Home Affairs presented its 167th Report on their Criminal Law (Amendment) Bill, 2012 in the Rajya Sabha on 1st March, 2013. While giving its report the Department-Related Parliamentary Standing Committee on Home Affairs, inter alia, considered both the 172nd Report on Review of Rape Laws given by the Law Commission of India, and the Report of the Justice J.S. Verma Committee. The Committee deliberated the amendments to section 375 of IPC including the issue of marital rape and observed that if the marital rape is brought under the law, the entire family system will be under great stress and the Committee may perhaps be doing more injustice.

The Ministry of Home Affairs has requested the Law Commission to deliberate upon the subject of marital rape during the course of its comprehensive review of Criminal Justice System.

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